

## REMARKS

Favorable reconsideration of the above-identified application is requested in view of the following remarks.

Claim 7 is canceled and Claims 1-6 and 8-11 are pending in this application, with Claims 1, 10 and 11 being independent. Examiner Sells is thanked for indicating that Claims 10 and 11 are allowable. Thus, only Claims 1-6, 8 and 9 are presently at issue.

The Official Action rejects Claims 1-6 and 8-9 under 35 U.S.C. § 102(b) as being clearly anticipated by *Smith* (UK Patent Application Publication No. 2, 334,487), hereinafter *Smith*.

Claim 1 is amended to more clearly define that the recesses comprise two sides having portions which abut a rounding-off at an end of the recess located most proximal the sealing section, the portions of the two sides facing one another and being parallel to one another.

In setting forth the rejection of Claim 1, the Official Action directs attention to Figures 11, 12 and 26 in *Smith*, and states that those figures show oval configurations that inherently have regions with different radii of curvature. The Official Action indicates the belief that the oval shaped slots show a first radius of curvature that is different from at least one of a second and third radii of curvature, as recited in Claim 1.

The Official Action also directs attention to Figures 2, 3, 5 and 6 of *Smith* and states that they show recesses with opposite facing portions that are parallel to one another in the manner recited in Claim 1.

It appears that the Examiner is relying on the disclosure in Figures 11, 12 and 26 and the separate disclosure in Figures 2, 3, 5 and 6 to together disclose the subject matter of Claim 1. That is, Figures 11, 12 and 26 are relied upon for a disclosure of the subject matter relating to a rounding-off encompassing at least a first portion with a first radius of curvature, a second portion with a second radius of curvature and a third portion with a third radius of curvature, the first radius of curvature being different from at least one of the second and third radius of curvature, while Figures 2, 3, 5 and 6 are relied upon for a disclosure of the subject matter relating to sides having portions that are facing one another and parallel to one another.

The anticipatory rejection set forth in the Official Action based on *Smith* is improper because *Smith* does not disclose an ultrasound horn possessing each and every feature of Claim 1. That is, *Smith* discloses a number of distinct and separate embodiments. One set of embodiments is shown in Figures 11, 12 and 26 and includes a slot having an oval shape, but does not include sides abutting a rounding-off, wherein the sides are parallel to one another. Another distinct set of embodiments is shown in Figures 2, 3, 5 and 6 and includes slots with sides that face one another and are parallel to one another, but does not include a rounding-off as defined by Claim 1. *Smith* does not disclose that the features in different embodiments should be combined with one another. Therefore, *Smith* does not disclose each and every feature of Claim 1 together in a single embodiment and therefore does not anticipate Claim 1.

Additionally, there is no disclosure or suggestion that would have directed a skilled person to deviate from *Smith's* disclosure of separate embodiments and

modify the oval shaped slots to include sides having portions that are facing one another and are parallel to one another. Quite clearly, the Official Action has not established any motivation that would lead an ordinarily skilled artisan to combine different features from different embodiments. Absent some motivation to do so, Claim 1 would not have been obvious.

For at least those reasons, Claim 1 is allowable over *Smith*.

Claims 2-6, 8 and 9 are allowable at least by virtue of their dependence from allowable independent Claim 1.

For the reasons stated above, it is requested that all the rejections be withdrawn and that this application be allowed in a timely manner.

Should any questions arise in connection with this application, or should the Examiner feel that a teleconference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully request that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL PC  
(INCLUDING ATTORNEYS FROM BURNS DOANE SWECKER & MATHIS)

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